

LICENSING SUB-COMMITTEE HEARINGS

8 MARCH 2013

Present :- Councillor Nick Cope (Chairman)
Councillors Brian Jarvis and Michael Lilley

1. Appointment of Chairman

RESOLVED that Councillor Cope be appointed Chairman.

2. Declarations of Interest

3. Minutes

The minutes of the meetings held on 13 April and 14 December 2012 were noted and confirmed as correct records.

4. Applications under the Licensing Act 2003

The Head of Environmental and Protective Services submitted a report in relation to the following application for determination by the Sub-Committee, in accordance with the provisions of the Licensing Act 2003.

• **Co-operative, 246 Shrub End Road, Colchester**

The Sub-Committee considered an application for a premises licence in respect of the Co-operative at 246 Shrub End Road, Colchester to permit the supply of alcohol off the premises and the provision of late night refreshment.

In Attendance

Applicant Mr Arnot, Ward Hadaway Solicitors for the applicant
Manager of the premises

Objectors Councillor Barton
Councillor Hazell
Mr Bray
Mrs Rhodes
Mr Munson

Licensing Authority Mr S Swain, Enforcement Officer
Mr C. Samuel, Legal Services
Mrs S White, Licensing & Committee Co-ordinator

Mrs White gave a brief summary of the application. The Sub-Committee noted that nine

relevant representations had been received from interested parties and that two residents attended the hearing and addressed the Sub-Committee with others attending to observe.

Mr Arnot, in presenting the application, informed the Hearing that the premises had been trading since 2006 and was well established. The sale of alcohol comprised approximately 15% of turnover and the application for extended hours was sort because it considered that customers of the store wanted to be able to buy alcohol over a longer period, enabling those who were returning home from work early in the morning to purchase alcohol. Mr Arnot outlined the training and operation procedures at the premises and stressed that it was very important to the Co-operative organisation to get it right as only by doing so would it meet the needs of its customers and ensure the success of the business.

Mr Arnot addressed the comments of the objectors and emphasised that much of what was contained within the letters related to planning matters and not licensing. In the event that the additional hours were granted a planning application would be submitted to seek to extend the hours of operation and issues such as delivery times and lighting could be addressed as part of this process. Mr Arnot expanded on the issue of deliveries, explaining that there would be 4 a week. Upon further questioning it was made clear that this referred only to Co-operative deliveries of groceries and spirits and in addition to this there were additional deliveries of bread and chilled goods.

In responding to questions, Mr Arnot explained that late night refreshment had been applied for to enable the premises to supply hot drinks from its coffee machine after 23.00 and there was no intention to serve anything hot beyond this.

Mr Bray addressed the Committee and explained that he lived opposite the premises and whilst he was happy with the current operation he was very concerned at the proposed increase in hours. He outlined the problems they currently experienced and showed the Committee a number of photographs of the premises at night. Photographs showing the lighting at the premises from one of the other objectors were also circulated to those at the hearing. Mrs Rhodes, in addressing the Sub-Committee expressed her concern at the public notice provisions under the act and provided further information in relation to deliveries.

Councillor Barton addressed the Committee speaking both as a Ward Councillor and also representing an objector who was unable to attend the meeting. Councillor Barton's evidence made reference to incidents of anti-social behaviour and public nuisance and these points were echoed in the evidence of Cllr Hazell who was speaking on behalf of a signatory to a petition received. The applicant questioned the admissibility of Councillor Hazell's evidence and invited the Sub-Committee to consider what weight it gave this evidence when reaching its decision.

RESOLVED to permit:-

- The supply of alcohol off the premises for the following hours- Mondays to Sundays inclusive from 05.00 to 00.00

- Provision of late night refreshment for the following hours – Mondays to Sundays inclusive from 23.00 to 00.00
- The premises to be open for the following hours – Mondays to Sundays inclusive from 05.00 to 00.00

Subject to the condition that –

- That a contact telephone number be given to local residents and displayed on the premises.

Reasons for the Determination

The Sub-Committee was sympathetic to the points raised by the other parties in relation to the delivery times and lighting at the premises but these were matters that were not within the remit of the Licensing Sub-Committee and could not be taken into consideration in reaching a decision on this application.

The Sub-Committee was mindful that the hours for the sale of alcohol for the Leather Bottle and the Huntsman were at least the same or later than those proposed in the application and therefore there would be no incentive for customers to migrate to the Co-operative in order to purchase alcohol. Moreover, in the absence of representations from the responsible authorities the Sub-Committee did not feel there was sufficient evidence under the Licensing Act 2003 to justify declining the application.